

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107

GEORGE M. LECCO
also known as "Porgy"

TWENTY-EIGHTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF
AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on June 16, 2009, the United States of America, by counsel, herewith responds to each of defendant's Standard Discovery Requests as follows:

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: Please find attached copies of the following:

1. Valeri Friend debriefing summary which occurred on September 29, 2009, and October 5, 2009;
2. Plea hearing transcript of Valeri Friend;
3. Charles "Jake" Hatfield debriefing summary which occurred on October 8, 2009;

4. Patricia Burton debriefing summary which occurred on October 14, 2009;
5. Criminal charges filed in the Mingo County Magistrate Court, Williamson, West Virginia, with regard to the arrest of Gary L. Collins on June 5, 2009, for petit larceny;
6. Order Revoking Home Confinement as entered June 5, 2009, with regard to State of WV v. Gary Collins;
7. Order from Preliminary Hearing to Revoke Probation as entered July 22, 2009, with regard to State of WV v. Gary Collins;
8. Probation Revocation Order filed August 26, 2009, in the Circuit Court of Mingo County, WV, with regard to Gary Collins;
9. Waiver of Indictment of Valeri Friend as filed October 1, 2009;
10. Guilty plea as executed October 1, 2009, by Valeri Friend;
11. Executed plea agreement dated September 29, 2009, with regard to Valeri Friend, and filed October 1, 2009;
12. Withdrawal of Notice of Intent to Seek the Death Penalty Against Defendant Valeri Friend as filed October 1, 2009; and,

13. Proffer Agreement executed September 29, 2009, by Valeri Friend.

Request M: Provide notice to defendant of the government's intention to use evidence pursuant to Rule 12(b)(4)(B) of the Federal Rules of Criminal Procedure.

Response: The United States reserves the right to use all information and evidence disclosed herein or made available for inspection and copying pursuant to this Response and such information and evidence which may be discovered and finally provided to defendant.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 10 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "TWENTY-SEVENTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing on this 16th of October, 2009, to:

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